IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

SATURDAY, THE NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16008 of 2004

Between:

K. Janardhana Reddy S/o. Krishna Reddy
K.V.B.Puram Village & Mandal, Chittoor District.

..... PETITIONER

AND

1 The District Collector, Chittoor District.
2 Revenue Divisional Officer, Tirupati, Chittoor District.
3 Chief Executive Officer (Z.P.), Chittoor.
4 V.Sivalaingam S/o. Govindaiah
Rayapedu Village, K.V.B.Puram Mandal,
Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned proceedings Dt. 24.8.2004 in Roc.No.B/1277/2004 by the 2nd respondent for conducting the No. Confidence Motion for the post of President M.P.P. of K.V.B. Puram Village and Mandal Chittoor District held at MPDO's Office at 11-00 A.M. on 10.9.2004 is illegal, arbitrary, unconstitutional violative of Art. 14,21, of constitution of India, contrary to provisions of A.P. Panchayat Raj Act 1994 and rules framed thereunder..

For the Petitioner: MR.P.JAGADISH CHANDRA PRASAD ,Advocate

For the Respondents 1 to 3.: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for R-4: None appeared.

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORAL ORDER:

The only ground on which challenge to the notice issued in Form-V informing about no confidence motion moved against the President, Mandal Praja Parishad, K.V.B.Puram is that one of the signatories, namely, fourth respondent incurred disqualification under Section 19(3) of the A.P. Panchayat Raj Act, 1994 for his having more than three children.

Until a person elected is declared disqualified under Section 22 of the Act, he shall be entitled to act as if he is qualified or were not disqualified. Therefore, subscribing signature to expressing no confidence on the petitioner and issuance of notice cannot be termed as arbitrary and illegal.

In view of the same, I see no infirmity in the notice issued by the Revenue Divisional Officer, Tirupathi dt. 24-8-2004 for conducting a meeting to consider the no confidence motion against the President, Mandal Praja Parishad, K.V.B.Puram.

The writ petition is accordingly dismissed.

A.GOPAL REDDY,J

Dt. 9-9-2004

kmr

1 The District Collector, Chittoor District.
2 Revenue Divisional Officer, Tirupati, Chittoor District.
3 Chief Executive Officer (Z.P.), Chittoor.
4. Two CCs to the Govt.,Pleader for Panchayat Raj, High Court Buildings, Hyderabad (OUT)

5. Two CD copies.